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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,133	01/20/2004	Kazumi Kobayashi	P23847	6663
7055 7590 06/24/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
AHMED, MASUD				
ART UNIT		PAPER NUMBER		
3714				
NOTIFICATION DATE		DELIVERY MODE		
06/24/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

### Office Action Summary

**Application No.**

10/759,133

**Applicant(s)**

KOBAYASHI, KAZUMI

**Examiner**

MASUD AHMED

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-27 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-850)  
Paper No(s)/Mail Date 4/16/04, 8/4/04, 11/30/04  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Examiner has considered the IDS submitted by the applicant on 4/16/04, 8/4/04 and 11/30/04. A certified copy of the foreign priority application has been received, however to perfect the priority date applicant must provide a certified English translation.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The preamble of claim 37 recites "a carrier wave having a data signal of a game program" is not statutory because a program must be in a computer readable medium, and a signal must be created by an apparatus. It is not statutory since no requisite functionality is present to satisfy the practical application requirement. See MPEP 2101.06

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-27 are rejected under 35 U.S.C. 102 (a) as being clearly anticipated by Ohno et al (US 2003/0096648).

Regarding claims 1, 18, 22, 26 and 27, Ohno teaches a video game system with a virtual camera settings having following limitations:

A three-dimensional video game apparatus that perspective-transforms a virtual three-dimensional space where multiple characters exist onto a virtual screen based upon a virtual camera having a viewpoint position moved in response to positions of the multiple characters, comprising (para 0012)

A character mover that moves at least one of the characters in the virtual three-dimensional space (abstract);

A central position calculator that calculates a central position of the characters in the virtual three-dimensional space (para 0056);

A temporary point setting device that sets multiple temporary points in the virtual three-dimensional space with reference to the calculated central position (para 0122);

A temporary viewpoint position setting section that sets a temporary viewpoint position on each straight line, connecting each of the temporary points to the central position, where all of the characters can be projected on the virtual screen with a predetermined visual angle (para 0057);

A distance calculator that calculates a distance between each of the set temporary viewpoint positions and the calculated central position (para 0013);

A viewpoint position evaluator that evaluates each temporary viewpoint position based on each calculated distance (para 0013);

A viewpoint position selector that selects a position where the viewpoint of the virtual camera should be moved among the temporary viewpoint positions based on the evaluation result (para 0014);

A viewpoint position mover that moves the viewpoint position of the virtual camera to the selected position (para 0012); and

A perspective transformer that perspective-transforms the three-dimensional space onto the virtual screen based upon the virtual camera where the viewpoint position is moved (para 0017).

Regarding claims 2-4, Ohno teaches the calculation of the angle to determine the view point of the virtual camera (para 0056); the overlapping degree for the characters to determine the temporary viewpoint of the player character along with the assigned reference points for the player characters (para 0070).

Regarding claim 5, Ohno discloses a distance difference calculator that calculates the distance and based the temporary view point on the distance (para 0012), which can looked at height difference as well.

Regarding claim 6, Ohno teaches a distance calculator that determines the distance between the view point of the camera and player character and it determines the differences of predetermined value (para 0017).

Regarding claim 7, Ohno teaches a view point position selector that can selects multiple viewpoints based on the data evaluation (para 0014).

Regarding claims 8-9, Ohno teaches a view point mover includes a controller switch to move the view point at a predetermined time (para 0012 para 0068).

Regarding claims 10 and 12, Ohno teaches the position movement of the view point of the virtual camera as directed from the viewpoint switching director controller (para 0108).

Regarding claim 11, Ohno teaches the camera angle can be moved or fixed and can be predetermined based on certain calculation and manipulation of the player character and the user's view angle, which also includes range limit and other parameters (para 0110-0115).

Regarding claim 13, Ohno teaches a view point mover for moving the viewpoint of the camera (para 0012).

Regarding claim 14, Ohno discloses a fixed time interval for the moving the position of the camera view point (para 0006).

Regarding claims 15-17, Ohno teaches a central position calculator every time when player character position is switched, Ohno further teaches the different parameters such as size of the character along with character selector in the virtual environment to determine the different view point and character position .(para 0020, 0098, 0111 and 0119).

Remaining claims are also rejected at least for the same reasons and reference cited by the examiner above. Examiner has addressed the claims that substantially cover all the claimed limitations in this application.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MASUD AHMED whose telephone number is (571)270-1315. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571 272 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

/M. A./  
Examiner, Art Unit 3714